

## REMARKS

Claims 1-20 are pending in the present application. Claims 1, 8, 9, 15, 16, and 20 have been amended herein. Entry of this Amendment and reconsideration and further examination of the application in view of the amendments and following remarks is hereby requested.

Claims 9 and 15 have been amended to correct typographical errors. Independent Claims 1, 8, 9, 15, 16, and 20 have been amended to clarify the element of the wireless device deleting software application components from the resident storage, which has a limited capacity, and then when necessary, the wireless device prompting a server to obtain the previously deleted components and installing them so that the one or more software applications requiring the components are once again executable. Exemplary support for the amendments can be found in the Specification at Paragraphs 0024-0025 and in Figs. 4 and 5. Applicants submit that no new matter has been added by the present amendment.

The present amendment has been made solely to clarify that the wireless device manages its limited storage capacity through the selective deletion and over-the-air retrieval of the deleted components when needed. The amendment does not intend to limit the nature of the software component deleted or the status of the one or more software applications once the application is deleted, e.g. executable or non-executable. However, it should be appreciated that the software components that must not be deleted are those that are non-retrievable, such as local application-associated data. See, e.g. Specification Paragraphs 0027-0029.

### Claim Objections

Claim 9 was objected to as containing the informality of the claim sentence lacking a period at the end. Applicant has corrected this typographical error and submits the grounds for this objection has been removed.

### Rejection under 35 U.S.C. §102(b)

The Office Action rejected Claims 1-5, 7-17, 19 and 20 under 35 U.S.C §102(b) as being anticipated by *Cowan*, US Patent No. 5,848,064. Applicants traverse this rejection insofar as it pertains to the claims as amended.

### Claims 1, 8, 16 and 20

The Office Action rejected Claims 1, 8, 16 and 20 stating that *Cowan* discloses a system and a wireless device in selective communication with a wireless network comprising the claimed elements. Applicants respectfully traverse this ground of rejection insofar as it pertains to the claims as amended, and the statements regarding the disclosure of *Cowan*.

The claims as amended recite the element of the wireless device deleting software application components from the resident, limited capacity storage, and then when necessary to render the software application(s) requiring the components once again executable, the wireless device prompting a server to obtain the previously deleted components and installing them. The claims therefore concern the management of the limited storage capacity of the wireless device with the wireless device increasing storage capacity by deleting non-essential components when not presently needed by the resident software applications.

Conversely, *Cowan* does not disclose or suggest any manipulation of software components at remote computer devices. *Cowan* only discloses that the remote computer (or mobile terminal 36) checks the resident software version it has stored with the version on the host computer 30 and if more recent software is present, the mobile terminal 36 requests transmission of the upgraded software version. (Col. 6, Lines 14-33). The mobile terminal 36 then receives the updated software in a series of packets (Col. 11, Line 66-Col.12, Line 19) and then replaces all outdated resident software in either a "failsafe" or "replace" mode and deletes the outdated software either immediately before or after receipt of the new software. Col. 12, Lines 33-59. Nowhere does *Cowan* disclose, suggest, or discuss the concepts of components of the software, the software components being indefinitely deleted at the remote computer, or the storage capacity management achieved by the remote computer in deleting and then selectively retrieving deleted components from a server across a network when necessary.

To anticipate the claims as amended, *Cowan* must teach every element of the rejected claims. MPEP ¶2131. Accordingly, because *Cowan* does not disclose at least the elements of the wireless device selectively deleting software components when storage capacity is needed and then retrieving the components when necessary to enable the resident one or more software applications, it cannot anticipate the claims as amended. As this ground of rejection has been overcome, Applicants request that the claims as amended be allowed.

Claims 2-5 and 7

The Office Action rejected Claim 2-5 and 7 stating that *Cowan* "further shows the application-associate data included inherently a license for use of the software application, user-specific data...wherein the application associated data includes application components necessary to execute the application on the wireless device...and wherein the wireless device is a cellular telephone and a pager."

Applicants respectfully traverse this ground of rejection insofar as it pertains to the claims as amended and the statements regarding the disclosure of *Cowan*. As argued above with respect to the patentability of amended independent Claim 1 from which Claims 2-5 and 7 depend, *Cowan* does not disclose the elements of the wireless device selectively deleting software components when storage capacity is needed and then retrieving the components when necessary to enable the resident one or more software applications, and accordingly cannot anticipate Claims 2-5 and 7.

Claim 9, 15 and 20

The Office Action rejected Claims 9, 15, and 20 were rejected stating that as they recite a method implemented in Claims 1, 8, and 16, they are likewise rejected for the grounds articulated in the rejection of Claims 1, 8, and 16. Applicants traverse this rejection and the statement that the rejected claims are identical in scope to Claims 1, 8 and 16, and otherwise disagree with the statements regarding the scope of the rejected claims and the disclosure of *Cowan*.

Claims 9, 15 and 20 do contain the elements of the wireless device selectively deleting software components when storage capacity is needed and then retrieving the components when necessary to enable the resident one or more software applications,

which are similar elements to those in Claims 1, 8, and 16. *Cowan* simply does not disclose or suggest components of the software resident on the remote computer, software components being indefinitely deleted at the remote computer, or the storage capacity management achieved by the remote computer in deleting and then retrieving deleted components from a server across a network when necessary. Therefore, *Cowan* does not teach all elements of the rejected claims and cannot anticipate Claims 9, 15 and 20 as amended.

#### Claim 10

Claim 10 was rejected stating that *Cowan* further shows the step of establishing a communication link through a cellular telecommunication network. Applicants traverse this rejection and the statements regarding the disclosure of *Cowan*. Applicant notes that Claim 10 depends from independent Claim 9 and includes all relevant elements thereof. As *Cowan* does not disclose all elements of amended Claim 9, as shown above, *Cowan* cannot anticipate Claim 10.

#### Claim 11

Claim 11 was rejected stating that *Cowan* teaches the discarding of the old version of software immediately prior to downloading. Applicants traverse this rejection and the statements regarding the disclosure of *Cowan*. First, Claim 11 depends from independent Claim 9 and includes all relevant elements thereof. Second, the Office Action erroneously interprets the present invention to require deletion of the application components followed by an immediate reload of a new component. In Claim 11, the software component can be indefinitely deleted and is reloaded only "upon the wireless device intending to execute a resident software application for which one or more

associated components have been deleted.” Accordingly, the triggering event of the reload of the component occurs upon the desire to execute the application at the wireless device, which *Cowan* neither discloses nor suggests. As *Cowan* does not disclose all elements of amended Claim 9 or the specific establishing of the communication link as claimed, *Cowan* cannot anticipate Claim 11.

#### Claim 12

Claim 12 was rejected stating that *Cowan* shows the step of selectively deleting at the wireless device one or more application components at the direction of the user of the wireless device. Applicants traverse this rejection and the statements regarding the disclosure of *Cowan*. Claim 12 depends from independent Claim 9 and includes all relevant elements thereof. Further, contrary to the assertion in the Office Action, *Cowan* does not disclose or suggest the element of the user of the mobile device directing the selective deletion of the application component, as is claimed in Claim 12. The cited passage of Col. 11, Line 66-Col. 12, Line 19 merely describes the sequential requests and transmission of file request packets between the mobile terminal 36 and the host computer 30. The passage does not describe any role of the user of the mobile terminal 36 in that activity. As *Cowan* does not disclose all elements of amended Claim 9 or the user-directed deletion of application components, *Cowan* cannot anticipate Claim 12.

#### Claim 13

Claim 13 was rejected stating that *Cowan* shows the step of establishing a communication link upon a user of the wireless device prompting the application download server to transmit over the wireless network one or more application

components for a resident software application for which one or more associated components have been deleted. Applicants traverse this rejection and the statements regarding the disclosure of *Cowan*.

Claim 13 depends from Claim 12, which depends from independent Claim 9 and includes all relevant elements thereof. Further, contrary to the assertion in the Office Action, *Cowan* does not disclose or suggest the element of the user of the mobile device causing the establishment of the communication link, as is claimed in Claim 13. The cited passage of Col. 12, Lines 20-28, only states that files from the host computer 30 will not be downloaded to the mobile terminal 36 unless new versions are determined to exist on the host computer 30, and then that all identified new software versions will be downloaded. The passage does not describe any role of the user of the mobile terminal 36 in that activity. As *Cowan* does not disclose all elements of amended Claim 9 or the user causing the establishment of the communication link, *Cowan* cannot anticipate Claim 13.

#### Claim 14

Claim 14 was rejected stating that *Cowan* shows the step of selectively deleting the application components at the wireless device being determined by the wireless device. Applicants traverse this rejection and the statements regarding the disclosure of *Cowan*. Applicants note that Claim 14 depends from independent Claim 9 and includes all relevant elements thereof. Further, contrary to the assertion in the Office Action, *Cowan* does not disclose or suggest the element of the wireless device automatically deleting software components when storage capacity is needed, as is claimed in Claim 14. The cited passage of Col. 12, Lines 36-43, only states that the mobile terminal 36

can be programmed to automatically delete the old software version prior to downloading the package of new files. No mention of software components is made in that passage. As *Cowan* does not disclose all elements of amended Claim 9 or the automatic deletion of application components, *Cowan* cannot anticipate Claim 14.

#### Claims 17 and 19

The Office Action rejected Claims 17 and 19 stating that *Cowan* "further discloses wherein the wireless device is a cellular telephone and a pager." Applicants respectfully traverse this ground of rejection insofar as it pertains to the claims as amended, and the statements regarding the disclosure of *Cowan*. As argued above with respect to amended independent Claim 16 from which Claims 17 and 19 depend, *Cowan* does not disclose the elements of the wireless device selectively deleting software components when storage capacity is needed and then retrieving the components when necessary to enable the resident one or more software applications, and accordingly cannot anticipate Claims 17 and 19.

#### Rejection under 35 U.S.C. §103

The Office Action rejected Claims 6 and 18 under 35 U.S.C §103(a) as being unpatentable over *Cowan*. Applicant traverses this ground of rejection insofar as it pertains to the claims as amended.

Applicant notes that in Paragraph 5, the Office Action presumed that the subject matter of the various claims was commonly owned at the time any inventions therein were made, and advised Applicants of the obligation under 37 CFR §1.56 to point out the inventor and invention dates of each claim should any claim not be commonly



owned at the time of invention. Applicants certify that the subject matter of all claims was commonly owned at the time all inventions covered therein were made.

Claims 6 and 18 were rejected stating that while *Cowan* fails to teach that the wireless terminal (mobile terminal 36) is a personal digital assistant (PDA), the use of a PDA is very well known and the Examiner took Official Notice that it would have been obvious for one of skill in the art to use a PDA in the communication system of *Cowan*. Applicants respectfully traverse this ground of rejection insofar as it pertains to the claims as amended and the statements regarding the disclosure of *Cowan* and the Official Notice.

Claims 6 and 18 respectively depend from independent Claims 1 and 16. As argued above with respect to amended independent Claims 1 and 16, *Cowan* does not disclose the elements of the wireless device selectively deleting software components when storage capacity is needed and then retrieving the components when necessary to enable the resident one or more software applications. Further, the Official Notice that PDAs are known devices in cellular telecommunications does not provide these absent elements.

To render the rejected claims obvious, *Cowan* and the Official Notice must teach or suggest all claim limitations of the rejected claims. MPEP ¶706.02(j). Accordingly, because *Cowan* in view of the Official Notice does not disclose at least the elements of the wireless device selectively deleting software components when storage capacity is needed and then retrieving the components when necessary to enable the resident one or more software applications, the suggested modification of *Cowan* cannot render

obvious Claims 6 and 18. As this ground of rejection has been overcome, Applicants request that Claims 6 and 18 be allowed.

Prior Art Made of Record

Applicants have reviewed the prior art made of record in the Office Action and not relied upon to reject any claim. Applicants are in agreement with the Examiner that the references are pertinent to Applicants' disclosure but do not anticipate or render obvious, either individually or in combination, any pending claim of the application.

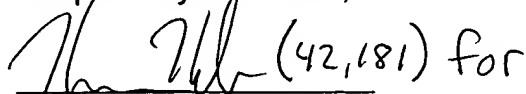
**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 1-20, as amended, are in condition for allowance and notification to that effect is earnestly solicited. If necessary, the Examiner is invited to telephone Applicants' attorney at (858) 651-4361 to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 17-0026.

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Respectfully submitted,

 (42,181) for

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